THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3638 of 2007

Date: 26.02.2007

Between:

B.Basu

....Petitioner

and

The Sub-Registrar and others.

....Respondents

O R D E R:

The petitioner states that his father late Bobbili Prakasam, an Ex.Serviceman, was allotted an extent of Ac.0.94 cents in Sy.No.320/1 of Pottipadu, Ungutur Mandalam, Krishna District *vide* proceedings, dated 16.07.1985. A rytu pattadar pass book is also said to have been issued. The original allottee was said to have died on 18.09.2006 and that the petitioner had succeeded to the said land.

The petitioner contends that to meet his family necessities, it has become necessary to sell the said property. The grievance of the petitioner is that when approached by him, the respondents have stated that the land cannot be alienated, since it is assigned. Placing reliance upon the orders of the Government enabling the Ex.Servicemen to sell the allotted lands, the petitioner seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The nature of enjoyment of lands allotted to Ex.Servicemen is substantially different from the one relating to other categories of assignments. The Government issued G.O.Ms.No.1117 Revenue (Assignment I) Department, dated 11.11.1993, enabling the Ex.Servicemen to transfer or sell the lands allotted to them after expiry of ten years from the date of allotment. Therefore, if the petitioner is able to place the order of allotment in favour of his

father and demonstrate that the period of ten years had expired from the date of such allotment, the respondents cannot raise any objection for transfer of such land, provided the deed of transfer accords with the other provisions of law.

Hence, the writ petition is disposed of, directing that the respondents shall not object the alienation of the land allotted to the father of the petitioner, as an Ex.Serviceman, in view of the orders contained in G.O.Ms.No.1117 Revenue (Assignment I) Department, dated 11.11.1993. There shall be no order as to costs.

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26.02.2007

kdl